



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2402529
Applicant Name: Julie LeDoux for Restructure, LLC
Address of Proposal: 734 SW Austin Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two (2) parcels of land in an Environmentally Critical Area (ECA) – Geologic Hazard Areas. Proposed parcel sizes are: A) 8,428 square feet and B) 5,596 square feet. The existing single family structure to remain.

The following approvals are required:

Short Subdivision - to subdivide one existing parcel into two parcels.
(Chapter 23.24, Seattle Municipal Code).

SEPA Threshold Determination (Chapter 25.05 SMC)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction

**Early Notice DNS published May 6, 2004

BACKGROUND DATA

Site & Area Description

The subject site is a corner lot located at the northwest corner of Southwest Austin Street and 7th Place Southwest in the Highland Park neighborhood of West Seattle. The existing parcel size is approximately 14,024 square feet located in a Single Family residential zone with a minimum lot size of 5,000 square feet (SF 5000). The site is rectangle in shape with terraced topography that slopes from its west property line to the east property boundary line. The site is modestly vegetated with five deciduous (apple) trees spotted throughout the development site. The residential building with attached carport was built in 1940, and is the only structure at the development site. The single family residential structure is a one-story building with open basement along the east façade. During the construction phase of the original residential structure grading activity created an abrupt elevation change immediately to the west and east of the residential structure that artificially created an Environmentally Critical Area - Steep Slope. From the perimeter, the site is visually accessible due to the sparseness of vegetation at the development site. Access to the residential structure is currently obtained from the Southwest Austin Street frontage.

Southwest Austin Street and 7th Place Southwest are partially improved right-of-ways with a paved roadway surface. Southwest Austin Street abuts the subject site to the south and slopes dramatically downward from west to east. Abutting the subject lot to the east is 7th Place Southwest that is less than the SMC Code required right-of-way width of 40 feet. From the corner of Southwest Austin Street and 7th Place Southwest heading northward for approximately 120 feet the right-of-way width is only 16 feet. Beyond 120 feet, 7th Place Southwest widens to the minimum 40 foot requirement. In this residential neighborhood there is limited access to the development site from the primary arterials due to topography.

The vicinity is populated with a mix of modern and older one and two-story residential structures. The area is marked by dense mature vegetation on the east side of this downward sloping hill. Zoning in the area includes a lower density residential, Single Family 7200 to the southeast and a higher density Multifamily Lowrise Two (L2) with a minimum density limit of one unit per 1,200 square feet of lot area to the southwest.

Proposal

The proposal is to subdivide one parcel of land into two (2) parcels of land. Proposed parcel areas are indicated in the summary above. Proposed parcels will have direct access to both SW Austin Street and 7th Place SW. The existing single family residence will remain on proposed Parcel A.

Public Comment:

Date of Notice of Application : May 6, 2004
Date End of Comment Period: May 19, 2004
Letters 4

Issues: Concerns focused on addressing the width of the 7th Place SW right-of-way abutting the property to the east. The width of the right-of-way is 16 feet from the corner of SW Austin Street northward approximately 120 feet to a point where 7th Place Southwest widens to 40 feet. The Director has no authority to require the applicant to widen the right-of-way with this short subdivision action, the applicant has agreed to provide a setback for future right-of-way improvements to facilitate roadway construction. Stormwater run-off and drainage were concerns expressed in all comment letters received, which will be addressed during the time of construction activity. Several letters received expressed a concern for greater safety issues related to vehicle and pedestrian activity near the development site.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single-family residential with a minimum lot size of 5,000 square feet. The allowed use in a single family zone is one dwelling unit per lot. Maximum lot coverage is 35%. Front setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. The minimum side yard setback is five (5) feet. Minimum rear yard setback is twenty-five (25) feet or 20% of lot depth. The proposed parcel configurations created by this proposed division of land will conform to all development standards of the SF 5000 zoning district. With the creation of proposed Parcel "B" the front yard will be adjacent to the 7th Place Southwest frontage which will require a twenty (20) foot setback from the property boundary line. The applicant has volunteered to provide a right-of-way setback of half the difference between the current 16 foot right-of-way width and the minimum right-of-way width of 40 feet, as established for existing nonarterial streets (SMC 23.53.015). The required front yard measurement will not be affected by the location of the right-of-way setback line. Any future development must conform to land use code requirements at the time of application.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

The proposed lots will have vehicular access to both Southwest Austin Street and 7th Place Southwest, consistent with the provisions of the Code. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and will not require an easement to provide for electrical facilities and service to the proposed lots. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water and sanitary sewer facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. Currently there is no publicly maintained means of stormwater conveyance in the near vicinity. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate (#2004-0619) was approved and issued on May 5, 2004. The existing structure located at the development site, proposed for short plat, is connected by a single sidesewer to an 8-inch public sanitary sewer (PSS) located in Southwest Austin Street. Proposed Parcel "B" can access either the PSS located in Southwest Austin Street or an 8-inch PSS in 7th Place SW. Either of the PSS's will be the appropriate point for stormwater discharge.

New construction with discharge to the sanitary sewer will require a side-sewer permit. Drainage will be handled through existing soil conditions which should allow for use of infiltration as a means of controlling stormwater runoff. Plan review requirements regarding storm water are made at time of building permit application. If the project includes greater than 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan prepared in accordance with SMC 22.802.015D and 22.802.020 may be required.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

One objective of the short subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing needs. An equally important objective is to ensure that new development is compatible with neighborhood character. The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

The development site contains mapped Steep Slope Environmentally Critical Areas as defined in Seattle Municipal Code Chapter 25.09. The applicant sought and was granted an ECA limited exemption (project #2402121) from Steep Slope Critical Areas. It was determined that the critical area at the subject site was a result of legal grading activities associated the construction of the existing house built in 1940. The environmentally critical areas general and submittal standards, as well as the specific standards for geologic hazard areas and other related development standards are still applicable.

New construction on the parcels containing the Geological Hazard Areas will also be subject to the provisions SMC Chapter 25.09, Regulations for Environmentally Critical Areas. Grading and construction of any future structures will be reviewed during the building permitting stage and will be examined for conformance with all applicable requirements of the Land Use Code and Policies pertaining to Environmentally Critical Areas Ordinance. Therefore, this proposed short subdivision is in conformance with City of Seattle Policies and Regulations for development in Environmentally Critical Areas.

6. *Is designed to maximize the retention of existing trees;*

There are approximately five (5) deciduous trees located upon the development site. Three of these trees can be preserved, depending upon the location of any future construction, the extent of the root systems and the overall health of the trees. A building permit has been submitted and reviewed under project #2405032 which shows two apple trees will be maintained on proposed Parcel "B." Future construction will be subject to the provisions of SMC 23.44.008 which sets forth tree planting requirements on single family lots.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This Short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED.**

SEPA DETERMINATION

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by Julie LeDoux and dated April 29, 2004. The information in the checklist, a Geotechnical Report prepared by TubbsGeosciences., dated March 15, 2004, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. Note that pursuant to SMC 25.05.908.B, the scope of the environmental review of the subject short subdivision is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including in additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The undersigned planner has analyzed the environmental checklist submitted by the project applicant; reviewed the project plans and the additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

CONDITIONS - SEPA

None.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Add the conditions of approval to the face of the short plat, or on a separate page if needed. If the conditions are on a separate page, insert on the plat:

"For conditions of approval after recording, see Page ____ of ____." (If necessary, renumber the pages).
4. Outline on the face of the short plat: the legal descriptions for the proposed parcels; the location of the existing utility lines on the face of the plat; all ingress and egress and utilities easements. If a utility easement is required by Seattle City Light, then the easement in its entirety (typically referred to as "Easement A") shall be shown on the face of the plat.
5. Insert on the face of the plat a 12.5 foot right-of-way setback line on proposed Parcel "B" adjacent to 7th Place SW.

After Recording and Prior to Issuance of future Building Permit

The owner(s) and/or responsible party(s) shall:

6. Attach a copy of the recorded short plat to all building permit plan sets.
7. Submit a standard drainage control plan for all initial building permits on proposed parcels.

Signature: (signature on file) Date: December 20, 2004
Bradley Wilburn, Land Use Planner
Department of Planning and Development
Land Use Services